

# The Governors' Commission on the Humane Treatment of Animals

Meeting Minutes  
16 September, 2010

- 1) The regular meeting of the Governor's Commission on the Humane Treatment of Animals was called to order at 1:03PM on 16 September, 2010 in Senate Room 100 by Chairperson Morris.
- 2) **Members Present:**; Dr. Steve Crawford, State Veterinarian; Joyce Arivella, Dog Breeders Association; Patricia Morris, Chairperson and Member of the NH Bar Association; Roni McCall, Public; Wendy Munroe, Animal Health Technicians Association; Joanne Bourbeau, National Humane Organizations; Mark Ellingwood, NH Fish and Game; Michael Hughes, Secretary and Public Member; Chief Andrew Shagoury, Police Chiefs Association; Jerilee Zezula, Public Member; James Kennedy, NH Wildlife Association; Barry Hilton, ACO representative; Rep. Carla Skinder, State Representative; Debra Simson, NH Cat Fanciers;
- 3) **Members Absent:** Sheriff Chris Conley, NH Sheriffs Association; Maureen Pendergast, Municipal Animal Shelters; Susan Morrell, Attorney General's Office; Senator Betsi Devries, State Senator; Dr. Lunak, UNH Coop; Richard Wentzell, Public;; Steve Sprowl, NH Federation of Humane Organizations; George Cook, Sled Dog Owners Association
- 4) **Contributing Public:** Nancy Johnson, Lobbyist
- 5) **Review of May, 2010 Minutes:** Dr Crawford corrected a remark that was attributed to him concerning the "spay-neuter" bill, and there were a few grammatical. It was moved and seconded, to accept the minutes as amended.
- 6) **Legislation Update-Joanne Bourbeau**
  - a) Anti-freeze bill will be re-introduced. The main concern last year was the liability issue with the company making the antifreeze and the one making the bittering agent.
  - b) A bill will be introduced soon that will propose a re-write on Chapter 437 of the NHRSA's.
    - i) Dr. Crawford rewrote 437:1 through 437:13 where it pertains to licensing and transfer of ownership of animals.
    - ii) The rewrite will make the provisions in this chapter more efficient and more reasonable to enforce.
    - iii) Dr. Crawford solicited comments and complaints of the current Chapter and incorporated many into the rewrite.
    - iv) The draft was sent to the Dog Owners Association of NH, and the NH Fed. Of Humane Org., who would typically have the most interest in this.
    - v) There will hopefully be a bill introduced soon that will essentially delete those sections as they now are and allow for the new version.
    - vi) Assuming such legislation is passed, the next challenge is a rewrite of the Rules. This process apparently is long and tedious.

## 7) Jeri's Animal Cruelty Presentation: Comments and other Inputs

- a) The link to this presentation is:  
<http://upzezu.home.comcast.net/~upzezu/Animal%20Cruelty/player.html>
- b) It is intended for the general public.
- c) Jeri can visualize an expansion of the FAQ section as more of the public sees it.
- d) A motion was made and carried to put this presentation as revised, on the Commission web site. The following revisions were suggested and agreed upon:
  - i) How should "dogs in pick-up trucks" be included? It was agreed that it can be included in the FAQ's
  - ii) A links page will be added. It will include a link to the Law Book, and whatever else may become necessary.
  - iii) Dr. Crawford's comments:
    - a) Slide Three: "Lack of Proper Care" - "Negligent vs. Intentional Cruelty"
      - i) Dr. Crawford sees a problem using this particular picture of over grown claws of a dog.
      - ii) Roni suggested a more obvious example.
    - b) Slide Five: "Animal Hoarding". The description of a hoarder could include someone who actually is not one. Example: "Having more than the typical number of companion or farm animals." A person could be atypical but able to take care of a large number of animals. There is a difference.
    - c) Slide Seven: "Veterinarians"- Line 2: "They are not required by NH law to report cruelty if they see it, however, they should in accordance with the AVMA Code of Ethics".
    - d) Slide Twelve –This may alleviate a food shortage situation in the short term, but could we be hiding a chronic problem that needs more investigation? Enabling a chronic offender is not the intention. Not sure how to re-word this, but the public may have questions about it.
  - iv) Jeri brought to our attention Slide Six, the types of penalties chart. Will this be easily understood by the general public?
    - a) Dr. Crawford asked if second line labeled "Jail/Fine" may read as mandatory. Andrew suggested putting the word possible in there – "Possible Jail/Fine".
  - v) Slide Twelve, #2: First sentence: Barry brought up the possible confusion putting 911 in the presentation, even though it was meant to emphasize a point. Jeri will change to read "Animals cannot ask for help"
  - vi) Slide Seven-"Animal Control Officers" fourth paragraph: Joyce A. pointed out that instead of "as needed" in the second line, it should state, as it does elsewhere, "if the animal's life is in imminent danger".
- vii) Roni asked Dr. Crawford if he had anything to add to the FAQ'S. He mentioned that maybe we should add what the requirements are for a horse shelter.

## 8) Updates

- a) Sullivan County Subcommittee Report, Carla Skinder: Our proposed project concerning using their barns for large scale seizures is still on hold. The Country Commissioners are hard at work with other projects on the grounds.
- b) CLE (Continuing Legal Education) Update/ Status (Tricia)

- i) A large problem with the current prosecution of animal abuse cases stems from the fact that prosecutors/judges are not familiar with the cruelty laws/penalties.
- ii) A large part of a CLE would be a mock trial held at the UNH School of Law
- iii) Tricia is working with the NH Bar to come up with a draft of the “trial”.
- iv) Susan Morrell and Tricia are working together on the details.
- v) Eligible participants would be prosecutors, judges, local/ county attorneys and any other law enforcement officials who may want to attend.
- vi) Put the word out using professional correspondence
- vii) Tricia’s law firm will help sponsor.

## 9) 2010 Report-Topics and Solutions:

- a) Two of the biggest concerns as brought out in the last Report were costs and prosecution. How do we address this and present a solution to the Governor? The following is a review of what we came up before the summer break:
  - i) We discussed the state animal cruelty registry idea, however, other states have tried to legislate it to no avail mostly because it couldn’t be funded.
  - ii) Andrew’s idea of a Best Practices manual was mentioned again
  - iii) Joanne’s proposal of an animal abuse workshop was brought up.
  - iv) One way to handle the cost problem would be to consider what Indiana is doing. They impose a lien on the owners of the animals in question to cover care and maintenance. This is pretty close to what our 437:19 tries to do.
  - v) Dr. Crawford: Would this apply if the court decided that the convicted person could not be allowed to have animals? Would this apply to persons who have had their animals forcibly taken from them?
  - vi) Tricia would like research done in using non-cruelty statutes to help with the cost of maintaining animals as evidence, and facilitate the prosecution.
  - vii) Legislative Re-writes, mainly 435 and 644, in particular where it concerns the various penalties in both RSA’s.
  - viii) Have Maureen and Steve Sprowl put together a list of their 2008 through 2010 cases and their outcomes.
  - ix) Centralization of Animal Prosecution Cases/Tracking of restitutions: UNH Law is part of the Government, and students are allowed to practice in clinics offers a significant cost reduction. It may be ideal to move Animal Cases into this scenario. It may make for easier tracking of restitution, and more standard sentences.

10)Tricia: We have identified the problems in the 2009 report, and in light of the 2008 report on costs, it seems logical to offer solutions in the 2010 report, how do we do that? It was agreed that Andrew’s idea of a Best Practices Manual, seems to be a good approach.

- a) Dr Crawford: Of the four problems brought out in 2009: investigations, prosecution, sentencing and costs, this manual covers the first three.
- b) Tricia: How do we go about coming up with a Best Practices Manual?
  - i) Make reference to two existing manuals: The above one plus the National District Attorney Association Manual
  - ii) Jeri: We could simply use this publication as a template and insert what pertains to NH and then provide a list of resources at the end.
  - iii) Tricia: Should use subcommittees to handle different sections.
  - iv) Jeri and Andrew will carve up the above references and see what topics can be focused on.

- v) Tricia: You can have this done by the October meeting so we can get started
- vi) Joanne helped Vermont put together a similar manual. The appendices even had sample forms, which is a good idea.
- c) Marks' comment about cost hurdle: Across the board, handling the cost of taking care of the animals is the most persistent problem in any cruelty prosecution. People and towns shy away from bringing a case to court because of the costs.
  - i) Tricia mentioned that the Best Practices Manual may help with making things run more smoothly and in a more timely fashion, thus cutting down the time animals are kept in protective custody, and thus cutting some of the cost in that manner.
  - ii) Public support for handling the cost of prosecutions seems reasonable. An average citizen, once educated in how a cruelty case gets through the court system, may see that it makes sense to help as part of being a good citizen. (?)
  - iii) Wendy made reference to volunteer organizations that may help with care of the animals at greatly reduced cost.
  - iv) Along this line, in reference to the Candia horse case, a whole volunteer network of horse owners came together and got things done. This may be an area to explore in more detail.
  - v) The secretary mentioned that daily costs are not that bad, as with the SPCA, many volunteers work the animals already. An average pricing is determined by the amount of feed that must be bought and any vetting that has to happen. However, when process gets drawn out, then the costs really stack up.
- d) Jim Kennedy made a comment that nothing has been mentioned about owner rights at all. It was mentioned that it was not the thrust of the manual we are proposing. The Constitution deals with the protection of a person's rights.
- e) Debra's comments on the topic of prevention: It is the job of veterinarian clinic personnel to educate the public on what cruelty is, and to not hesitate to report it when it is seen. It makes good sense to put more effort in to prevention. Obviously, this would help mitigate costs if cruelty can be prevented in the first place. It is possible that if practitioners do not know who to call, or what the next step is, acts of cruelty will be ignored. Debra suggested contacting the ASPCA's forensic veterinary department to give a course or two locally to show what evidence is needed to be collected and how.
- f) Tricia asked how would we go about doing that? Part of the BPM could be guidance on gathering evidence. Prevention is important.

11)The next meeting will be on 21 October and will focus on what the subcommittees will be and what they will work on.

12)Meeting adjourned at 2:35PM

Minutes Respectively Submitted by:

Secretariat

